

111TH CONGRESS  
1ST SESSION

# S. 1522

To amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 28, 2009

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Outpatient Mental  
5 Health Modernization Act of 2009”.

### 6 **SEC. 2. ALLOWABLE PARTIAL HOSPITALIZATION SERVICES.**

7 (a) IN GENERAL.—Section 1861(ff)(2) of the Social  
8 Security Act (42 U.S.C. 1395x(ff)(2)) is amended—

1 (1) in subparagraph (H) by striking “, and” at  
2 the end;

3 (2) by redesignating subparagraph (I) as sub-  
4 paragraph (J);

5 (3) in subparagraph (J), as redesignated by  
6 paragraph (2), by striking “(but in no event to in-  
7 clude meals and transportation)”;

8 (4) by inserting after subparagraph (H) the fol-  
9 lowing new subparagraph:

10 “(A) nutritional planning, meals, and transpor-  
11 tation, and”; and

12 (5) by adding at the end the following new sen-  
13 tence: “The guidelines established under the pre-  
14 ceding sentence shall not allow for nutritional plan-  
15 ning, meals, and transportation to be considered as  
16 meeting the minimum number of services require-  
17 ment in order to receive payment for such items and  
18 services.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply to services furnished on or after  
21 January 1, 2010.

22 **SEC. 3. BEHAVIORAL HEALTH ADVISORY COMMITTEE.**

23 (a) Not later than January 1, 2011, the Secretary  
24 of Health and Human Services shall convene a Behavioral  
25 Health Advisory Committee (in this section referred to as

1 the “Advisory Committee”) composed of stakeholders in  
2 the behavioral health community.

3 (b) DUTIES.—The Advisory Committee shall address  
4 issues relating to—

5 (1) discrimination against the chronically men-  
6 tally ill, elderly, and United States veterans as it re-  
7 lates to receiving treatment for mental illness;

8 (2) the establishment of conditions of participa-  
9 tion for community mental health centers (as de-  
10 fined in paragraph (3)(B) of section 1861(ff) of the  
11 Social Security Act (42 U.S.C. 1395x(ff)) that pro-  
12 vide partial hospitalization services (as defined in  
13 paragraph (1) of such section) under the Medicare  
14 program under title XVIII of such Act; and

15 (3) other matters to be determined jointly by  
16 the Secretary and the Advisory Committee.

17 (c) IMPLEMENTATION.—Not later than January 1,  
18 2012, the Secretary of Health and Human Services, in  
19 consultation with the Advisory Committee, shall imple-  
20 ment conditions of participation for community mental  
21 health centers (as so defined) that provide partial hos-  
22 pitalization services (as so defined) under the Medicare  
23 program under title XVIII of the Social Security Act.

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